

TO: Lynchburg Planning Commissioners
FROM: Michael Lauer, AICP – Principal
DATE: October 3, 2014
RE: Zoning Ordinance Update Status Report

8900 State Line Road, Suite 406
Leawood, Kansas 66206
Tel: 913.341.8800
Fax: 913.341.8810

2105 South River Road
Melbourne Beach, Florida 32951

603 Farnham Circle
Richmond, Virginia 23236

This memo identifies options for the Planning Commissioners to address several regulatory issues remain unresolved. Blanks are included for Commissioners to register their support or opposition to specific proposals. Where more information is desired, please specify the information required to make a decision on the matter.

TENTATIVE SCHEDULE OF EVENTS

The following dates are tentative dates for future meetings on the zoning ordinance revisions.

Date	Meeting
Wed, Oct 8	Planning Commission Workshop
Tue, Oct 14	City Council Workshop – Draft Zoning Ordinance Implications and Community Input Summary

REGULATORY ISSUES

1. Billboard Cap and Replace

- **Background** – Sign industry representatives have approached the City about the prospects of establishing an option to remove non-conforming billboards districts where they are not currently allowed in exchange for the ability to establish a new billboard in the B-3, B-5, IN-2 and I-1 district where they are currently prohibited.
- **Zoning Options** – Cap and trade provisions are used by an increasing number of jurisdictions. Some have opted for even swaps and some have established tradeoffs that reduce the total number of billboards (e.g., remove 2 to establish 1). In deciding on this issue, the Planning Commission should decide where appropriate receiving zones might be and whether to establish a 1 to 1 tradeoff between signs.
- **Proposed Amendments:**
 - Enable cap and replace provisions [Yes] [No] [Need more info]
 - Enable a 1 for 1 replacement [Yes] [No] [Need more info]
 - Expand locations to include the B-3, B-5, IN-2 and I-1 districts [Yes] [No] [Need more info]
 - Consider limitations in scenic corridors or other locations within these districts [if yes, then where should they be limited?]
 - Allow digital billboards in all districts where billboards are allowed [Yes] [No] [Need more info]
 - Provide the following exceptions
 - Allow conforming billboard to be replaced if it is condemned [Yes] [No] [Need more info]
 - Allow conforming billboard to be replaced if current lease is terminated [Yes] [No] [Need more info]
 - Allow non-conforming billboard to be replaced in current location if site is owned by the sign company [Yes] [No] [Need more info]

- Once all non-conforming billboards owned by a sign company have been replaced, the sign company may relocate its conforming billboards [Yes] [No] [Need more info]

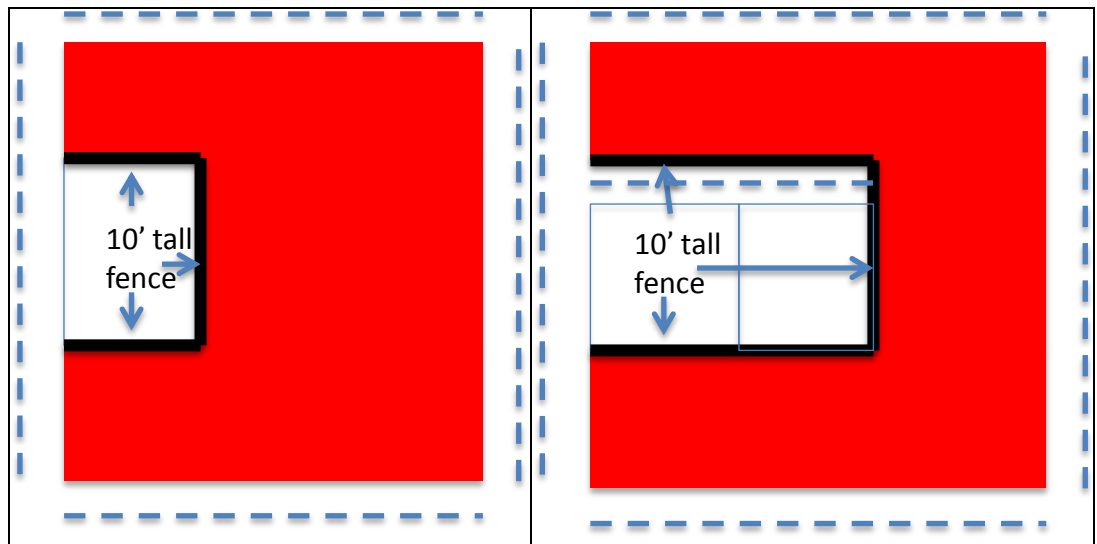
2. Additional Potential Zoning Amendments for Discussion

Based on public comments at workshops and a review of the comprehensive plan and zoning diagnostic, the Planning Commission should consider following additional zoning ordinance amendments:

- **Limiting spite fences**

- **Commentary** – While the intent of the fence provisions below is clear, the language allows for commercial properties to build fences up to 10 feet tall along property lines where a front setback is not required. Since front setbacks generally are not required in the B-5 district, tall fences may be allowed that effectively block visibility of commercial properties that are surrounded on three sides by a larger parcel or abuts a stub street serving another property (see drawings below ordinance excerpt).

“(g) Fences and walls. The yard requirements of the zoning ordinance shall not be deemed to prohibit any otherwise lawful fence or wall if each fence and/or wall does not exceed four (4) feet in height in front yards and eight (8) feet in height in side and rear yards in residential districts or ten (10) feet in other districts and if it does not conflict with standards in this section except on a corner lot. On a corner lot, no fence and/or wall shall exceed four (4) feet in height in the required side or rear yard abutting a street when a front yard is required for that block of the side street.”



- **Options:**
 - Limit tall fences in commercial districts within 20 feet of right-of-way to reflect typical setbacks for B-3 and B-5 districts. [Yes] [No] [Need more info]
 - Limit the opacity of fences in commercial districts within 20 feet of right-of-way (e.g., allow chain link fences in B-3 and/or B-5 districts. [Yes] [No] [Need more info])
- **Allowing digital reader boards for institutions in certain corridors (see sample photo)**

- **Commentary** – Schools, religious institutions and hospitals are allowed in most zoning districts. There has been interest in allowing digital reader boards for some these uses to allow for frequently changing messages regardless of the district in which the uses are located. If allowed, the City should consider limiting the size, brightness, operations (e.g., no animations or flashing), proximity to residences and corridors in which they may be located.
- **Options for digital reader boards for institutional uses under consideration**
 - Allow digital reader boards subject to limitations on area (30 sq.ft.), height (8 ft.), brightness, operational requirements; [Yes] [No] [Need more info]
 - Signs shall be monument style; [Yes] [No] [Need more info]
 - Limit digital reader boards to arterial streets; [Yes] [No] [Need more info]
 - Require setbacks from residences; [Yes] [No] [Need more info]
- **Establishing minimum criteria for connectivity**
 - **Commentary** – The Comprehensive Plan advocates better access management, particularly along heavily travelled commercial corridors. Reducing curb cuts, providing cross access between properties and promoting the use of shared driveways reduces accidents, improves traffic safety and reduces traffic congestion along high volume streets. Communities have approached access management through a combination of minimum driveway spacing standards and incentives for shared driveways and cross-access between properties. These incentives typically reduce landscaping, buffering, parking and/or setback requirements. Where driveway spacing standards are established, exceptions or variance processes are typically established to allow access to existing lots.
 - **Options**
 - Establish minimum driveway spacing standards; [Yes] [No] [Need more info]
 - Require cross-access and shared driveways for newly created lots that don't meet spacing standards; [Yes] [No] [Need more info]
 - Establish incentives to promote provision of cross-access and shared driveways; [Yes] [No] [Need more info]
- **Increasing the allowed sign area for large sites in industrial districts**
 - **Commentary** – Industrial districts allow for freestanding signs as large as 66 square feet and wall signs as large as 24 square feet. Some communities allow more sign area for industrial sites where the signs and buildings have greater setbacks or for large industrial buildings.
 - **Option** – Mirror the sign provisions in the B-3 and B-5 districts, which:
 - Allow more wall sign area for larger buildings and for buildings with greater setbacks; (25 sq.ft. plus 1 sq.ft. per lineal foot of building wall, but not to exceed 150 sq.ft. for buildings within 200 feet of a street, or 25 sq.ft. plus 2



- sq.ft. per lineal foot of building wall, but not to exceed 200 sq.ft. for buildings further than 200 feet from a street) [Yes] [No] [Need more info]
 - Allow more free-standing sign area sites with multiple buildings (66 sq.ft. for one or more buildings with less than 100,000 sq.ft., 91 sq.ft. for a group of buildings between 100,000 and 200,000 sq.ft., and 141 sq.ft. for a group of buildings with more than 200,000 sq.ft.) [Yes] [No] [Need more info]
- **Reducing the subjectivity of existing provisions for commercial cluster developments (CCDs);**
 - **Commentary** – Current requirements for CCDs could be clarified to better achieve the purposes of these developments. Many of the following requirements are either lacking or written subjectively.
 - **Options**
 - Locate CCDs near other development and existing or planned transit routes. [Yes] [No] [Need more info]
 - Establish minimum percentage of site to be set aside for preservation (with waiver provision if there is no area that needs preservation) [Yes] [No] [Need more info]
 - Establish a minimum percentage of the site to be dedicated for amenities (e.g., playgrounds, tennis courts, running trails, park space). This should also be required to be illustrated on the sketch plan. [Yes] [No] [Need more info]
 - Require a minimum percentage of the commercial floor area to be concentrated on a specified percentage of the site.
 - Limit excess parking and encourage shared parking by:
 - Establishing maximum parking ratios [Yes] [No] [Need more info]
 - Requiring that any parking above a certain threshold be pervious [Yes] [No] [Need more info]
 - Increasing the percentage of landscape area required as the number of spaces greater than a specified threshold increases [Yes] [No] [Need more info]
 - Apply commercial design and compatibility standards from other portions of the ordinance (e.g., requirement for street connectivity, pedestrian connections, setbacks from low density residential districts) [Yes] [No] [Need more info]
- **Eliminating or reducing the scenic corridor and/or commercial corridor overlay standards by incorporating select requirements into applicable base districts**
 - **Commentary:** Many of the standards for the City’s scenic and/or commercial corridor overlay districts have broader applicability to other areas of the City. The following provisions could be shifted from overlays to apply to specific districts, regardless of their location.
 - Prohibit parking or paving within 25 ft. of a residential district in B-3, B-5, IN and I districts; [Yes] [No] [Need more info]
 - Require 40 ft. parking setback from arterial or urban collector streets in the B-3, B-5, IN and I districts; [Yes] [No] [Need more info]
 - Require all utilities to be located underground; [Yes] [No] [Need more info]

- Move Scenic Corridor Overlay district requirements for building bulk softening (increased landscaping requirements for larger buildings) to the landscaping ordinance; [Yes] [No] [Need more info]
- Require for architectural materials such as brick, stone or wood or require screening for portions of buildings not constructed of these materials in R-4, B and IN districts. [Yes] [No] [Need more info]
- **Establishing a maximum percentage for the residential component of industrial developments**
 - **Commentary:** The Comprehensive Plan calls for the flexibility to establish corporate campus type development patterns that allow limited a limited residential component within light industrial development areas (e.g., the Googleplex corporate campus). To ensure that valuable industrial land is not converted to large-scale residential uses, some communities have adopted limitations based on density and employee/resident ratios.
 - **Option:** When drafting the development patterns, limit the maximum residential or lodging unit component to not more than 1 resident or lodger to 20 employees in any given development or district. Note that this ensures that hotels and residences are developed in conjunction with or subsequent to employment uses. [Yes] [No] [Need more info]